UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,679	03/30/2004	Tonia G. Morris	1000-0044	4044

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The Law Offices of John C. Scott, LLC c/o PortfolioIP P.O. Box 52050 Minneapolis, MN 55402	EXAMINER
	GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/812,679	MORRIS ET AL.
	Examiner	Art Unit	
	Jean A. Gelin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 December 2006</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-13,15-18 and 22-47* is/are rejected.

7)☒ Claim(s) *5,6,14,19-21,48 and 49* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This is in response to the Applicant's arguments and amendments filed on

December 12, 2007, in which claims 1 and 43 have been amended. Claims 1-49 are

currently pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-21 and 46-49 are rejected under 35 U.S.C. 102(e) as being anticipated

by De Vries (US 6,968,179).

Regarding to claim 1, De Vries teaches a wireless device (i.e., illustrated in fig. 1,

items 120-123) comprising: a user interface (i.e., components of items 120-123 are

shown in fig. 6); a controller to control operation of said wireless device (processing unit,

e.g., microcontroller, col. 12, line 43), said controller being in communication with said

user interface to accept input from a user and to deliver output to said user (processing

unit of fig. 6, col. 12, lines 40-64); and a wireless transceiver (within cell 120 or

handheld computer 122) to support wireless communication with at least one remote

wireless entity (within the wireless networking, col. 4, line 60 to col. 5, line 21); wherein

said controller is programmed to append context-specific information to a network

search query to be delivered to a remote search engine via said wireless transceiver

when said user is performing a network search (col. 6, lines 4-67 and col. 8, lines 6-67).

Regarding to claims 2, 13, 47, De Vries teaches at least one sensor for sensing

context-specific information in an environment about said wireless device (col. 7, lines

22-32).

Regarding to claims 3, 12, De Vries teaches said context-specific information

includes at least one of the following: a physical location of said wireless device, a

present time at said wireless device, a temperature about said wireless device, a

velocity of said wireless device, atmospheric pressure about said wireless device,

biometric information regarding a user of said wireless device, ambient light about said

wireless device, ambient noise level about said wireless device, a sound profile about

said wireless device, an image of an environment about said wireless device, a

chemical analysis of an environment about said wireless device, a personal profile of a

user of said wireless device, schedule information associated with a user of said

wireless device, and calendar information associated with a user of said wireless device

(cols. 8-10).

Regarding to claim 4, De Vries teaches said user interface includes at least one

of the following: a display, a keypad, a keyboard, a touch screen, a stylus, a mouse,

scroll buttons, a track ball, a joystick, and control buttons (col. 12, lines 40-65).

Regarding to claim 5, De Vries teaches said controller is programmed to (a)

receive search results from said remote search engine, via said wireless transceiver, in

response to said network search query, said search results including an indication of

which elements of context-specific information that were appended to said network

search query were used to perform the network search, and (b) display said search

results to a user (col. 5, line 56 to col. 6, line 53, col. 8, lines 7-41).

Regarding to claim 6, De Vries teaches said controller is programmed to (a)

receive a selection of context-specific information types from said user, via said user

interface, indicating which context-specific information said user desires to be used to

perform a network search, and (b) deliver said selection of context-specific information

types to said remote search engine, via said wireless transceiver, for use in another

network search (cols. 6-8).

Regarding to claim 7, De Vries teaches said wireless device is a cellular

telephone (fig. 1, 120).

Regarding to claim 8, De Vries teaches said wireless device is a personal digital

assistant with wireless networking capability (fig. 1, 122).

Regarding to claim 9, De Vries teaches said wireless device is a portable

computer with wireless networking capability (fig. 1, 121).

Regarding to claim 10, De Vries teaches said network search includes an

Internet search (col. 13, lines 56-67).

Regarding to claims 11, 46, De Vries teaches detecting initiation of a network

search within a wireless device (col. 8, lines 6-26); collecting context-specific

information regarding said wireless device (col. 7, lines 13-32); and appending context-

specific information to a search query to be delivered to a remote search engine (col. 7, line 13 to col. 8, line 39).

Regarding to claim 14, De Vries teaches collecting context-specific information regarding said wireless device includes determining which of a plurality of available inputs (i.e., sensors) are presently working properly and polling only said sensors that are presently working properly for context-specific information (col. 12, lines 40-64).

Regarding to claims 15-18, De Vries teaches collecting context-specific information regarding said wireless device is performed before detecting initiation of a network search (i.e., typically, the communication device at least temporarily stores the request prior to transmission, col. 5, line 56 to col. 6, line 53).

Regarding to claims 19-21, and 48-49, De Vries teaches receiving search results from said remote search engine, via said wireless transceiver, in response to said search query, said search results including an indication of context-specific information elements that were used to perform said network search (cols. 7-9).

4.   Claims 33-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Darrell (US 2005/0162523).

Regarding claim 33, Darrell teaches using a camera on a wireless device to capture at least one image of a surrounding environment (i.e., taking an image of the picture and sending it to the server [0027]; identifying text within said at least one image (identifying Killian Court, [0027]; and displaying said text to a user of said wireless device to allow said user to select one or more words or phrases within said text for use

in generating a network search query for delivery to a remote search engine (displaying search result and finding the name Killian Court, [0027], [0028], and [0031]).

Regarding claims 34-36, they contain limitations that can be performed by the system of Darrell. Wherein Darrell teaches the result from a search is displayed as a thumbnail mosaic as shown in window. Based on the thumbnail mosaic, it is inherent that a mosaic software has been used. Mosaicing software and stitching software can perform the same function. And camera-equipped cellular phone typically has the zooming feature, allowing user to adjust picture corresponding adjusting resolution ([0024]-[0031]).

Regarding claim 37, Darrell teaches identifying text includes segmenting said text into individual words (i.e., keywords were extracted from the result of the captured image, and the keywords are submitted to a web search to retrieve the most relevant information about the captured image [0030]-[0031]).

Regarding claim 38, Darrell teaches identifying text includes using optical character recognition to translate text images into machine recognizable text characters (i.e., mosaicing software [0024]-[0031]).

Regarding claim 39, Darrell teaches displaying said text to a user includes displaying a menu of words or phrases to said user ([0025]-[0026]).

Regarding claim 40, Darrell teaches displaying said text to a user includes displaying said text as highlighted words or phrases within an image of the surrounding environment ([0027]-[0031]).

Regarding claim 41, Darrell teaches receiving one or more words or

phrases selected by said user in response to said displaying; and generating a

search query using said one or more words or phrases selected by said user ([0027]-

[0031]).

Regarding claim 42, Darrell teaches displaying a list of potential search types to

said user to allow said user to choose a search type to perform using said one or more

words or phrases selected by said user ([0027]-[0031]).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over De

Vries in view of Darrell et al. (US 2005/0162523).

Regarding claims 22-24, De Vries does not specifically teach using a camera on

a wireless device to capture at least one image of a surrounding environment;

identifying text within said at least one image; and allowing said user to select one or

more words or phrases within said identified text for use in a search query.

However, the preceding limitation is known in the art of communications. Darrell

teaches a mobile device includes a camera to capture image associated with hyperlink

and to communicate wirelessly the image with an existing database to find similar

images. The user can take picture of his surrounding and use the picture to search an

image database for relevant web resources. The user can also uses keywords to find additional similar images (paragraphs [0006]-[0008], [0027]-[0028], and [0031]-[0032]). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Darrell within the system of De Vries in order to provide a hybrid image-and-keyword searching technique that would allow users to efficiently search hundreds of millions of images that are not only textually related but also visually relevant.

Regarding claim 25, De Vries in view of Darrell teaches all the limitations. Darrell further teaches said at least one image captured by said camera includes multiple relatively low resolution images (thumbnail size image is low resolution [0028]); and said controller has access to an image scanning function to process said multiple relatively low resolution images captured by said camera to generate a higher resolution image (i.e., mobile has the capacity to produce high resolution image with the built-in camera 640x480 resolution [0028]).

Regarding claim 26, De Vries in view of Darrell teaches all the limitations. Darrell further teaches said controller has access to a segmentation function to segment text within said at least one image captured by said camera into individual words ([0031]).

Regarding claim 27, De Vries in view of Darrell teaches all the limitations. Darrell further teaches said controller has access to an optical character recognition function to translate text within said at least one image into machine recognizable character codes ([0031]-[0033]).

Regarding claims 28-29, the claims are recited the limitations of claims 25-27.

Therefore, they are rejected for the same reasons set forth in the rejection of claims 25-

27.

Regarding claims 30-32, De Vries in view of Darrell teaches all the limitations.

Darrell further teaches said controller is programmed to display said text to said user in

menu form, and in highlighted form as part of an image captured by said camera ([0028]

and [0031]-[0033]).

7.   Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over De

Vries in view of Amano et al. (US 2002/0142737).

Regarding claim 43, De Vries teaches all the limitation as recited in claim 1

above. But De Vries does not specifically teach a wireless device comprising at least

one dipole antenna.

However, the preceding limitation is known in the art of communications. Amano

teaches in viewer-type cellular phone incorporating a camera, it is necessary to

enhance the gain as measured in a horizontal plane of the viewer by implementing a

dipole antenna in the mobile communication terminal (paragraph [0073]). Therefore, it

would have been obvious to one of ordinary skill in the art, at the time of the invention,

to implement the technique of Amano within the system of De Vries in order to reduce

the length of the antenna and allow the antenna to be hidden in the radio package.

Regarding claim 44, De Vries in view of Amano teaches all the limitations above.

De Vries further teaches at least one sensor for sensing context-specific information in

an environment about said wireless device (col. 7, lines 22-32).

Regarding claim 45, De Vries in view of Amano teaches all the limitations above. De Vries further teaches at least one of the following: a display, a keypad, a keyboard, a touch screen, a stylus, a mouse, scroll buttons, a track ball, a joystick, and control buttons (col. 12, lines 40-65).

Allowable Subject Matter

8.   Claims 5, 6, 14, 19, 20, 21, 48, and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9.   Applicant's arguments filed 12/07/06 have been fully considered but they are not persuasive.

As per claims 1-4, 7-18, 21 and 46-47, the Applicant argues in substance that De Vries does disclose a controller that is programmed to append context-specific information collected by at least one local sensor to a network search query to be delivered to a remote search engine via said wireless transceiver when said user is performed a network search. However, the Examiner disagrees with the preceding assertion. De Vries a location detecting capability which the examiner interprets as the local sensor, the context-specific information corresponds to physical location of the device, and the remote search engine corresponds to service information, wherein the collected physical location of the device inherently attached to a request (query) is

transmitted to the information service to track the location of devices/people in the user's vicinity (col. 5, line 43 to col. 6, line 3). Therefore, the rejection recited above is maintained.

As per claims 33-42, the Applicant argues in substance that Darrell does not disclose identifying text within said at least one image; and displaying said text to a user of said wireless device to allow said user to select one or more words or phrases within said text for use in generating a network search query for delivery to a remote search engine. However, the Examiner disagrees with the preceding argument. If the name "Killian Court" was sculptured on the top front of the building, taking the image of the building with a camera-equipped cellular phone (MS 10) and transmitting the captured image to a server for search, the server then sends the most relevant information about the captured Killian Court to the MS (10). Once received the relevant information, the user can select some word from the relevant information if further search is required. Clearly, the system of Darrell can perform the function of taking picture and send the picture to a search engine to find relevant information about the picture and return the information to MS (10). The Examiner maintains that the MS (10) of Darrell can take pictures of building and capture image of printed text. Therefore, the argument is not persuasive.

The Applicant further teaches that Darrell does not disclose the use of stitching software and adjusting resolution of captured images. However, the Examiner disagrees with the preceding arguments. Darrell teaches the result from a search is displayed as a thumbnail mosaic as shown in window. Based on the thumbnail mosaic, it is inherent

that a mosaic software has been used. Mosaicing software and stitching software can perform the same function. And camera-equipped cellular phone typically has the zooming feature, allowing user to adjust picture corresponding adjusting resolution. Therefore, the Examiner maintains that claims 34-36 are read on Darrell [0024]-[0031].

The Applicant further argues in substance that identifying text includes segmenting said text into individual words. However, the examiner disagrees with the preceding arguments. Darrell teaches keywords were extracted from the result of the captured image, and the keywords are submitted to a web search to retrieve the most relevant information about the captured image.

The Applicant further argues in substance that displaying text as highlighted words or phrases within an image. However, the Examiner maintains that Killian Court is highlighted in the browsing process of a page ([0027]-[0031]).

The Applicant further argues in substance that Darrell does not disclose displaying a list of potential search types to said user to allow said user to choose a search type to perform using said one or more words or phrases selected by said user. However, the Examiner disagrees with the preceding arguments. Darrell teaches extracting keywords from the search result, and selecting words from the extracted keywords to send a search query to a search engine for searching more relevant information of the captured image. Therefore, the Examiner maintains the rejection.

As per claims 22-32, the Applicant further argues in substance that of De Vries in view of Darrell does not disclose a controller that identifies text within the image captured by the camera. However, the Examiner disagrees with the preceding

arguments. Darrell teaches a hybrid keyword and image query on Google to search

relevant information about captured image ([0027]-[0031] and [0035]). Therefore, the

rejection is maintained.

The Applicant repeats the arguments of claims for the rejection of claims 43-45.

Therefore, the Examiner disagrees with preceding assertion for the same reasons

recited for claim 1 above.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Gfeller et al.	US 6,812,959	11/02/2004
Butterworth	US 2003/0169923	09/11/2003

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEAN GELIN
PRIMARY EXAMINER

J.Gelin
February 23, 2007